

FAUQUIER COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT



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October 8, 2009

Mr. Wes Kennedy
Brookside Communities, LLC
7076 Lake Drive
Warrenton VA 20187

Dear Mr. Kennedy:

This is in response to your letter of September 1, 2009 to Kimberley Fogle. You raise some valid points about Brookside being integral to the development of New Baltimore's infrastructure. Community Development shares that opinion, and bears the responsibility of ensuring that future development meets the needs of Fauquier citizens while staying consistent with the goals set forth in the Comprehensive Plan.

While we can appreciate your opinion that the changes to the layout of future phases of Brookside (Phases 12, 13, 15 and the future commercial area) are in substantial conformance with the approved Concept Development Plan (CDP) and Preliminary Plat (PP), the Department of Community Development continues to maintain that the deviations to the plan taken collectively will "materially alter the character of the proposed development". The modifications made that contribute to this are the collective changes to the road network and the location of the commercial area. One example is that of Brookside Parkway. Brookside Parkway is shown in the Comprehensive Plan as being an arterial road, which serves the purpose of moving traffic from one side of the county to the other. The changes to the plan indicate that Brookside Parkway will no longer be an arterial road but a local collector road. If the Parkway is constructed as a local collector, Community Development believes that this will serve the "critical and vital infrastructure need" of New Baltimore in a different way than the originally proposed arterial road, "thus materially altering the character of the proposed development".

The most significant and overarching deviation is the location of the commercial area. As shown on the Concept Development Plan, the commercial area is more internal to the subdivision, with access clearly

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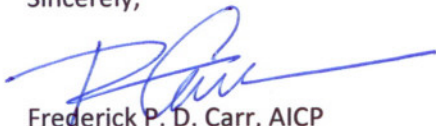
to Pond Road and/or Brook Run Road on the preliminary plat. The open space/recreation area is clearly shown to the located adjoining the floodplain area. The most recent proposals show the commercial area located directly on Brookside Parkway, adjoining and/or in the FEMA-designated floodplain.

In summary, it is the opinion of Community Development that the changes to the Concept Development Plan and Preliminary Plat are substantial enough to warrant official amendments to the CDP and PP, to be approved by the Board of Supervisors. In addition, the citizens of New Baltimore were actively involved in the issues surrounding the connection of roads allowing traffic from Lake Drive to enter Brookside Parkway (as noted in Item C.2 of the proffers), and as a result, they deserve the opportunity in a public forum to review changes to a plan that was approved several years ago. The next steps in the process are to submit applications to process an amendment to the CDP (Rezoning Amendment), and a Preliminary Plat Amendment.

Transportation planning and philosophy has changed significantly since these applications were approved. A number of the proposed changes result in a better plan that may be supported by both Community Development and the community.

Please do not hesitate to contact me if you have any questions.

Sincerely,



Frederick P. D. Carr, AICP
Director of Community Development

Cc: R. Holder Trumbo, Chairman, Board of Supervisors
Kimberley P. Fogle, Assistant Director of Community Development
Bonnie Bogert, Planner II

My determinations in these matters constitute a final decision pursuant to Section 15.2-2292 of the Code of Virginia. If you disagree with the decision, it must be appealed to the Board of Supervisors within thirty (30) days by filing the appropriate application. If not appealed, you lose the right of appeal.